

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

United States District Court  
Southern District of Texas

**ENTERED**

March 06, 2018

David J. Bradley, Clerk

WAYNE DOUGLAS BASEY,

Petitioner,

VS.

LORIE DAVIS,

Respondent.

§  
§  
§  
§  
§  
§  
§  
§

CIVIL NO. 2:17-CV-00026

**ORDER**

The Court is in receipt of Petitioner's April 12, 2017, motion for summary judgment and an evidentiary hearing, Dkt. No. 8; Respondent's April 26, 2017, motion for summary judgment, Dkt. No. 11; the October 5, 2017, Amended Memorandum and Recommendation ("M&R") of the Magistrate Judge to whom this case was referred, Dkt. No. 22; and Petitioner's October 23, 2017, objection to the M&R, Dkt. No. 25.

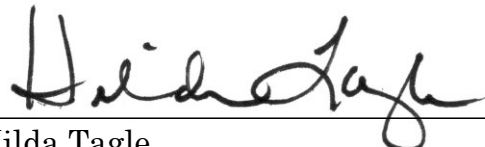
The Court reviews objected-to portions of a Magistrate Judge's proposed findings and recommendations de novo. 28 U.S.C. § 636(b)(1). Plaintiff's objections to the M&R are frivolous, conclusory, general, or contain no arguments that the M&R has not already considered. Dkt. No. 25; *see also Battle v. United States Parole Comm'n*, 834 F.2d 419 (5th Cir. 1987) (determining that a district court need not consider frivolous, conclusive, or general objections). After independently reviewing the record and considering the applicable law, the Court adopts the proposed M&R in its entirety. Dkt. No. 22. Thus, the Court **OVERRULES** Plaintiff's objection.

The Court hereby:

- **DENIES** Petitioner's motion for summary judgment and an evidentiary hearing, Dkt. No. 8;
- **GRANTS** Respondent's motion for summary judgement, Dkt. No. 11;
- **DISMISSES WITH PREJUDICE** this action; and
- **DENIES** Petitioner a Certificate of Appealability.

The Court will order entry of Final Judgment separately.

SIGNED this 5th day of March, 2018.



Hilda Tagle  
Senior United States District Judge